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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---------------|----------------------|---------------------|------------------|
| 10/802,803 | 03/18/2004 | Lars Jorn Stenberg | 45900-000791/US | 5102 |
| 30593 | 7590 | 08/23/2007 | EXAMINER | |
| HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195 | | | LE, HUYEN D | |
| ART UNIT | PAPER NUMBER | | 2615 | |
| MAIL DATE | DELIVERY MODE | | 08/23/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/802,803 | STENBERG ET AL. | |
| | Examiner | Art Unit | |
| | HUYEN D. LE | 2615 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 June 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullenborn et al. (U.S. patent 6,522,762) in view of Dummermuth et al. (U.S. patent 6,593,870).

Regarding claims 1 and 4-8, Mullenborn teaches a miniature MEMS microphone that comprises a single-ended transducer element (1) adapted to receive incoming acoustic waves and to convert a received incoming acoustic wave to an unbalanced first electrical signal, an electronic circuit or integrated circuit chip (ASIC 3) adapted to receive the first electrical signal, and the electrical connections or electrical terminals (8, 22, 23) on a substantially plane exterior surface part of the microphone. Mullenborn further shows the transducer element (1) and the electronic circuit (3) that are integrated or mounted on a silicon-based substrate (2).

Mullenborn does not specifically teach that the electronic circuit (3) comprises an amplifier being adapted to receive the first electrical signal and to generate a differential electrical signal. However, providing an amplifier for electrically connecting to a microphone system to generate a differential electrical signal is known in the art.

Dummermuth et al. teaches a differential amplifier (708, figure 7) that is electrically connected a transducer element (102).

Since Mullenborn does not restrict to any specific type of the electronic or integrated circuit; it therefore would have been obvious to one skilled in the art to provide the amplifier, as taught by Dummermuth, in the microphone system of Mullenborn to generate a differential electrical signal for a balanced output and a desired voltage characteristics.

Regarding claims 2-3, Mullenborn teaches a first surface of a silicon-based carrier substrate (2), and a second surface of the silicon-based carrier substrate as claimed (figures 1, 2, 3, 4, 6, 7).

Regarding claim 9, Mullenborn shows a housing that has an acoustical inlet opening (4) aligned with the transducer element as claimed.

Regarding claim 10, Mullenborn teaches a plurality of transducer elements (col. 6, lines 43-46), and lacks the teaching of a plurality of separate amplifiers and separate pairs of terminals as claimed.

However, it would have been obvious to one skilled in the art to provide an electronic circuit (3) with a pair of terminals for each transducer element (1) for better providing the desired voltage characteristics for each transducer.

Response to Arguments

3. Applicant's arguments filed 6/4/07 have been fully considered but they are not persuasive.

Responding to the arguments about the rejections of Mullenborn in view of Dummermuth, the examiner refers to the Office Action. Further, the Applicant should note that Mullenborn does not specifically disclose an amplifier but providing an amplifier for electrically connecting to a microphone system is known in the art.

Dummermuth et al. teaches a differential amplifier (708, figure 7) that is electrically connected a transducer element (102). The amplifier (708) is adapted to receiver a first electrical signal or an unbalanced first electrical signal from the transducer element.

Since Mullenborn does not restrict to any specific type of the electronic or integrated circuit; it therefore would have been obvious to one skilled in the art to provide the amplifier, as taught by Dummermuth, to generate a differential electrical signal on the terminals arranged on a substantially plane exterior surface part of the microphone system of Mullenborn for a balanced output and a desired voltage characteristics.

Responding to the arguments about the Reedyk reference, the rejection of Mullenborn in view of Reedyk has been dropped.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (571) 272-7502. The examiner can normally be reached on 9:30AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SINH TRAN can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HL
August 19, 2007



HUYEN LE
PRIMARY EXAMINER